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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,002	01/16/2002	Maria Azua Himmel	AUS920010561US1	6347

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EXAMINER

MOORE, JAMES K

ART UNIT

PAPER NUMBER

2686

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3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/047,002

Applicant(s)

HIMMEL ET AL.

Examiner

James K Moore

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 15-27 and 29-41 is/are rejected.
- 7) ☒ Claim(s) 14, 28 and 42 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6, 15-20 and 29-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Grube et al. (U.S. Patent No. 5,778,304).

Regarding claim 1, Grube discloses a method of managing operation of a portable device (communication unit). The method comprises determining a geographical location of the portable device, determining if the geographical location of the portable device is within a geographical area of restricted use of the portable device, and restricting use of the portable device based on the determination of whether the geographical location of the portable device is within a geographical area of restricted use. See col. 2, lines 13-28.

Regarding claim 2, Grube discloses all of the limitations of claim 1, and also discloses that the step of determining if the geographical location of the portable device is within a geographical area of restricted use includes looking up the geographical location of the portable device in a geographical information database (124), and retrieving restriction information associated with the geographical location of the portable device. See col. 2, lines 41-67.

Regarding claim 3, Grube discloses all of the limitations of claim 2, and also discloses that the restriction information may include completely prohibiting use of the portable device. See col. 2, lines 13-28.

Regarding claim 4, Grube discloses all of the limitations of claim 1, and also discloses that the portable device is a portable communication device. See col. 2, lines 13-28.

Regarding claim 5, Grube discloses all of the limitations of claim 1, and also discloses that the step of determining a geographical location of the portable device may include using a GPS associated with the portable device to determine a geographical location of the portable device. See col. 3, lines 7-30.

Regarding claim 6, Grube discloses all of the limitations of claim 1, and also discloses that the step of determining a geographical location of the portable device may include receiving the geographical location from a geographic location determination device (GPS receiver) associated with the portable device. See col. 3, lines 7-30.

Regarding claim 15, Grube discloses an apparatus for managing operation of a portable device (102, 103). The apparatus comprises a controller (101), an inherent portable unit database coupled to the controller for receiving a geographical location of the portable device, and a geographical database (124) coupled to the controller. The controller retrieves a geographical location of the portable device from the portable unit database, determines if the geographical location of the portable device is within a geographical area of restricted use of the portable device based on geographical

Art Unit: 2686

information in the geographical database, and restricts use of the portable device based on the determination of whether the geographical location of the portable device is within a geographical area of restricted use. See Figure 1 and col. 2, line 29 – col. 3, line 30.

Regarding claim 16, Grube discloses all of the limitations of claim 15, and also discloses that the controller determines if the geographical location of the portable device is within a geographical area of restricted use by looking up the geographical location of the portable device in the geographical information database and retrieving restriction information associated with the geographical location of the portable device. See col. 2, lines 41-67.

Regarding claim 17, Grube discloses all of the limitations of claim 15, and also discloses that the restriction information may include completely prohibiting use of the portable device. See col. 2, lines 13-28.

Regarding claim 18, Grube discloses all of the limitations of claim 15, and also discloses that the portable device is a portable communication device. See col. 2, lines 13-28.

Regarding claim 19, Grube discloses all of the limitations of claim 15, and also discloses that the geographical location of the portable device may be reported to the portable device database using a GPS system associated with the portable device. See col. 3, lines 7-30.

Regarding claim 20, Grube discloses all of the limitations of claim 15, and also discloses that the geographical location of the portable device may be reported to the

Art Unit: 2686

portable device database by a geographical location determination device (GPS receiver) associated with the portable device. See col. 3, lines 7-30.

Regarding claim 29, Grube discloses a computer program product in a computer readable medium for managing operation of a portable device (102, 103). The program comprises first instructions for determining a geographical location of the portable device, second instructions for determining if the geographical location of the portable device is within a geographical area of restricted use of the portable device, and third instructions for restricting use of the portable device based on the determination of whether the geographical location of the portable device is within a geographical area of restricted use. See Figure 1 and col. 2, line 29 – col. 3, line 30.

Regarding claim 30, Grube discloses all of the limitations of claim 29, and also discloses that the second instructions include instructions for looking up the geographical location of the portable device in a geographical information database and instructions for retrieving restriction information associated with the geographical location of the portable device. See col. 2, lines 41-67.

Regarding claim 31, Grube discloses all of the limitations of claim 29, and also discloses that the restriction information may include completely prohibiting use of the portable device. See col. 2, lines 13-28.

Regarding claim 32, Grube discloses all of the limitations of claim 29, and also discloses that the portable device is a portable communication device. See col. 2, lines 13-28.

Regarding claim 33, Grube discloses all of the limitations of claim 29, and also discloses that the first instructions include instructions for using a GPS system associated with the portable device to determine a geographical location of the portable device. See col. 3, lines 7-30.

Regarding claim 34, Grube discloses all of the limitations of claim 29, and also discloses that the first instructions include instructions for receiving the geographical location from a geographical location determination device (GPS receiver) associated with the portable device. See col. 3, lines 7-30.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7-9, 11-13, 21-23, 25-27, 35-37 and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grube et al. in view of da Silva (U.S. Patent No. 6,496,703).

Regarding claim 7, Grube discloses all of the limitations of claim 1, but does not disclose that the steps of determining a geographical location of the portable device, determining if the geographical location of the portable device is within a geographical area of restricted use of the portable device, and restricting use of the portable device

are performed in response to receiving a communication destined for the portable device.

However, da Silva discloses a system for restricting use of a portable device. The system may receives a communication destined for the portable device, and restricts use of the portable device based on whether the incoming communication is an emergency call or not. This allows emergency calls to be placed to the portable device in restricted areas. See col. 9, lines 33-42. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Grube with da Silva, such that use of the portable device is restricted in response to receiving a communication destined for the portable device, so that emergency calls may be placed to the portable device in restricted areas.

da Silva also discloses that the geographical location of the portable device may be determined based on GPS. See col. 7, line 61 – col. 8, line 25. It would have also been obvious to one of ordinary skill in the art at the time of the invention to receive a GPS location update when a communication destined for the portable device is received and determine at that time whether the portable device is in a restricted area, in order to keep the portable device updated as to whether it is in a restricted area.

Regarding claim 8, Grube in view of da Silva teaches all of the limitations of claim 7. da Silva also teaches that an outgoing message may be sent to a source of the incoming communication if use of the portable device is restricted, in order to inform the source that the user of the portable device is unavailable because he is in a restricted area. See col. 9, lines 28-32. It would have been obvious to one of ordinary skill in the

Art Unit: 2686

art at the time of the invention to further modify Grube with da Silva, such that an outgoing message may be sent to a source of the incoming communication if use of the portable device is restricted, in order to inform the source that the user of the portable device is unavailable because he is in a restricted area.

Regarding claim 9, Grube in view of da Silva teaches all of the limitations of claim 8, and da Silva also discloses that the outgoing message sent is generated based on the geographic location of the portable device, preferences of a user of the portable device, and restrictions associated with the geographic location of the portable device. See col. 9, lines 28-32.

Regarding claim 11, Grube in view of da Silva teaches all of the limitations of claim 8, and it is inherent that da Silva's outgoing message includes a menu of selectable options (e.g., "If this is an emergency call, press 1, if not, press 2"). See col. 9, lines 28-42.

Regarding claim 12, Grube in view of da Silva teaches all of the limitations of claim 7, and da Silva also discloses that the portable device will not be restricted if the call is indicated to be an emergency call. See col. 9, lines 33-42.

Regarding claim 13, Grube in view of da Silva teaches all of the limitations of claim 7, and da Silva also discloses that the call will be redirected to an alternative device (a message mail box) if use of the portable device is restricted. See col. 9, lines 28-32.

Regarding claim 21, Grube discloses all of the limitations of claim 15, but does not disclose that the controller determines a geographical location of the portable

Art Unit: 2686

device, determines if the geographical location of the portable device is within a geographical area of restricted use of the portable device, and restricts use of the portable device in response to receiving a communication destined for the portable device.

However, da Silva discloses a method for restricting use of a portable device. The method may comprise receiving a communication destined for the portable device, and restricting use of the portable device based on whether the incoming communication is an emergency call or not. This allows emergency calls to be placed to the portable device in restricted areas. See col. 9, lines 33-42. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Grube with da Silva, such that use of the portable device is restricted in response to receiving a communication destined for the portable device, so that emergency calls may be place to the portable device in restricted areas.

da Silva also discloses that the geographical location of the portable device may be determined based on GPS. See col. 7, line 61 – col. 8, line 25. It would have also been obvious to one of ordinary skill in the art at the time of the invention to receive a GPS location update when a communication destined for the portable device is received and determine at that time whether the portable device is in a restricted area, in order to keep the portable device updated as to whether it is in a restricted area.

Regarding claim 22, Grube in view of da Silva teaches all of the limitations of claim 21. da Silva also teaches that an outgoing message may be sent to a source of the incoming communication if use of the portable device is restricted, in order to inform

Art Unit: 2686

the source that the user of the portable device is unavailable because he is in a restricted area. See col. 9, lines 28-32. It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify Grube with da Silva, such that the controller sends outgoing message to a source of the incoming communication if use of the portable device is restricted, in order to inform the source that the user of the portable device is unavailable because he is in a restricted area.

Regarding claim 23, Grube in view of da Silva teaches all of the limitations of claim 22, and da Silva also discloses that the outgoing message sent is generated based on the geographic location of the portable device, preferences of a user of the portable device, and restrictions associated with the geographic location of the portable device. See col. 9, lines 28-32.

Regarding claim 25, Grube in view of da Silva teaches all of the limitations of claim 22, and it is inherent that da Silva's outgoing message includes a menu of selectable options (e.g., "If this is an emergency call, press 1, if not, press 2"). See col. 9, lines 28-42.

Regarding claim 26, Grube in view of da Silva teaches all of the limitations of claim 21, and da Silva also discloses that the portable device will not be restricted if the call is indicated to be an emergency call. See col. 9, lines 33-42.

Regarding claim 27, Grube in view of da Silva teaches all of the limitations of claim 21, and da Silva also discloses that the call will be redirected to an alternative device (a message mail box) if use of the portable device is restricted. See col. 9, lines 28-32.

Regarding claim 35, Grube discloses all of the limitations of claim 29, but does not disclose that the first, second, and third instructions are executed in response to receiving a communication destined for the portable device.

However, da Silva discloses a method for restricting use of a portable device. The method may comprise receiving a communication destined for the portable device, and executing instructions for restricting use of the portable device based on whether the incoming communication is an emergency call or not. This allows emergency calls to be placed to the portable device in restricted areas. See col. 9, lines 33-42. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Grube with da Silva, such that use of the portable device is restricted according to the second and third instructions in response to receiving a communication destined for the portable device, so that emergency calls may be place to the portable device in restricted areas.

da Silva also discloses that the geographical location of the portable device may be determined based on GPS. See col. 7, line 61 – col. 8, line 25. It would have also been obvious to one of ordinary skill in the art at the time of the invention to receive a GPS location update according to the first instructions when a communication destined for the portable device is received and determine at that time whether the portable device is in a restricted area, in order to keep the portable device updated as to whether it is in a restricted area.

Regarding claim 36, Grube in view of da Silva teaches all of the limitations of claim 35. da Silva also teaches that an outgoing message may be sent to a source of

Art Unit: 2686

the incoming communication if use of the portable device is restricted according to instructions, in order to inform the source that the user of the portable device is unavailable because he is in a restricted area. See col. 9, lines 28-32. It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify Grube with da Silva, such that the controller sends an outgoing message to a source of the incoming communication according to instructions if use of the portable device is restricted, in order to inform the source that the user of the portable device is unavailable because he is in a restricted area.

Regarding claim 37, Grube in view of da Silva teaches all of the limitations of claim 36, and da Silva also discloses that the outgoing message sent is generated based on the geographic location of the portable device, preferences of a user of the portable device, and restrictions associated with the geographic location of the portable device. See col. 9, lines 28-32.

Regarding claim 39, Grube in view of da Silva teaches all of the limitations of claim 36, and it is inherent that da Silva's outgoing message includes a menu of selectable options (e.g., "If this is an emergency call, press 1, if not, press 2"). See col. 9, lines 28-42.

Regarding claim 40, Grube in view of da Silva teaches all of the limitations of claim 35, and da Silva also discloses that the portable device will not be restricted according to instructions if the call is indicated to be an emergency call. See col. 9, lines 33-42.

Art Unit: 2686

Regarding claim 41, Grube in view of da Silva teaches all of the limitations of claim 35, and da Silva also discloses that the call will be redirected to an alternative device (a message mail box) according to instructions if use of the portable device is restricted. See col. 9, lines 28-32.

5. Claims 10, 24 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grube et al. in view of da Silva as applied to claims 8, 22 and 36 above, and further in view of Makela et al. (U.S. Patent No. 6,301,338).

Regarding claims 10, 24 and 38, Grube in view of da Silva teaches all of the limitations of claims 8, 22 and 36, but does not teach that a language of the outgoing message is selected based on a geographic location of the source of the communication. However, Makela discloses a method for replying to a communication which comprises selecting a language of an outgoing message based on a geographic location of the source of the communication, and sending the outgoing message to the source. See Abstract and col. 5, line 53 – col. 6, line 9. This allows the source of the communication to receive the outgoing message in the language which the source is the most comfortable with. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Grube and da Silva with Makela, such that a language of the outgoing message is selected based on a geographic location of the source of the communication, in order to allow the source to receive the outgoing message in the language which the source is the most comfortable with.

Allowable Subject Matter

6. Claims 14, 28 and 42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ken Moore, whose telephone number is (703) 308-6042. The examiner can normally be reached on Monday-Friday from 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold, can be reached at (703) 305-4379.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Art Unit: 2686

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Ken Moore

Ken

7/28/04

[Signature]
8/2/07

LESTER G. KINCAID
PRIMARY EXAMINER